REQUESTS BY PEOPLE SERVED TO AMEND PHI

SCOPE OF POLICY

This policy applies to all employees, trainees, volunteers, consultants, students, contractors and subcontractors at the agency.

STATEMENT OF POLICY

For the most part, people we support can ***ask*** that we change the health information that is in their designated record set. Please see that policy for more information. When people ask for this, we need to be nice and respectful. The Arc has specific ways we manage requests like this. This is so that we make sure protect their privacy. In some cases we will agree to what they ask. In other cases we will not. This policy will explain each case.

Whenever someone asks for something like this, a manager should be told within 24 hours. Only managers can look at these requests and decide what to do. Staff shouldn't tell the person whether we can or can't do what they ask. Only a manager can do that. Remember, there are special protections for HIV-related information. Please see that policy for more information.

IMPLEMENTATION OF POLICY

This policy only applies to protected health information or PHI. Please see that policy for more information. People can ask for changes as long as the information was created by The Arc and is in the "designated record set." Please see that policy for more information. The only time we would change something we didn't create is if the company that did isn't around anymore. People we support need to ask for things like this in writing. They can write it on their own or use our form. If managers don't understand what the person is asking for, they need to ask them to clarify. Managers should add this new information to the written request or form.

Managers need to make a decision about the request as soon as possible. They have to make a decision within 60 days from the date we got the request. If they can't do it in the 60 days, they can take another 30 days. They can't take any more time than that. If they add another 30 days, they have to tell the person is writing why it will take so long and when they will be done. Managers should scan this into PrecisionCare. It should go into "attach a file" in the rights section.

We can decide not to change the information if:

- We didn't create the information and that company or person is still around; or
- It's not part of the designated record set. See that policy for more information; or
- It's psychotherapy notes as defined by HIPAA. See that policy for more information; or
- The person wants to use the information to sue us; or
- We think it is accurate and complete.

It is possible to some of the changes but not all.

If we decide not to make the changes they have asked for, we have to tell them in writing. This is called a denial. It has to be easy for them to understand. We also have to tell them:

- Why we said no
- That they have a right to disagree with our decision in writing
- That if they don't disagree with us in writing, that they can ask us to tell anyone we share the information with that they wanted to change it and we said we wouldn't
- How they can file a complaint with The Arc or the federal government. This has to include the name or title of who they can call and a phone number. For us, this would be the VP for Quality and Compliance. He can be reached at 585-672-2234.

If someone disagrees in writing, we can disagree with them in writing too. We can include why we think we have the right to not make the changes. It can also be where we respond to things they said specifically in their disagreement. We need to send this to the person.

All of this information needs to be documented. This means that copies should be kept of anything we get in writing and anything we send them in writing.

If we agree to make the changes they asked for, we need to go ahead and make the changes. We need to tell them that we accept their request and are making the changes. If the person has told us who else might have the wrong information, we need to share the changes with them. We also need to share the changes with companies that we work with who might have or use this information. These are called business associates. Please see that policy for more information. We also need to make sure we include the changes if we share the information that was changed in the future. If we can't easily attach the changes when we share information (like when we bill for something), we may send it a different way.

We have to keep a list of the titles of agency staff who can make decisions about requests for changes.

For The Arc, these titles are:

- Directors
- Senior directors
- Vice presidents
- Agency officers:
    - CEO
    - COO
    - CFO
    - CHRO

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